

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
V.)	Criminal No. 04-10298-DPW
)	
)	
MARKO BOSKIC)	

AFFIDAVIT OF THOMAS CARROLL IN CONNECTION WITH GOVERNMENT'S
OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS

Thomas Carroll, having been duly sworn, does hereby depose and say,

1. I am a Special Agent of Immigration and Customs Enforcement of the Department of Homeland Security (ICE). I have been with ICE and the predecessor Immigration and Naturalization Service since August 1992.
2. I was involved in the arrest and questioning of the Defendant Marko Boskic on August 25, 2004.
3. My report of the events of that date, marked as Defendant's Exhibit B, accurately describes the substance and sequence of events on that date. The purpose of this Affidavit is to supplement the information contained therein.
4. While walking to the interview room, I asked Boskic if he understood English. He stated that he did.
5. Once in the interview room, I asked Boskic to raise his right hand (as I raised my right hand) and I administered an oath to the Defendant in English.

6. I then asked Boskic if he read English. He stated that he did. I then asked him what was his other language and he told me Serbo-Croatian. I then retrieved a two-sided Warning as to Rights form that contained the rights in English on one side and Serbo-Croatian on the other side.
7. I placed the form on the table in front of him with the English side up. I was seated across from him and I read the form (upside down). He stated that he knew what his rights were. I told him to sign the form if he agreed. He signed the English side of the form. I retrieved the form, filled in the date and time, and signed as a witness.
8. I then gave the form back to Boskic, this time with the Serbo-Croatian side up, and told him to read it. After reading the form in his native tongue, Boskic signed and dated the form and wrote the time. I did not write the date and time on the Serbo-Croatian side; I only signed as a witness.
9. When Special Agent Gregory Hughes ("SA Hughes") of the Federal Bureau of Investigation ("FBI") entered the room, holding and referring to the form Boskic had signed, I reminded Boskic that his rights still applied, that he had the right to remain silent, what he said could be used against him, and he could have an attorney present. Boskic rose and raised his hand as if to be sworn again. He again

acknowledged that he knew his rights.

10. When Alistair Graham entered the room, I again referred to the form he had signed and gave an abbreviated version of the *Miranda* warnings.
11. At no time did I, SA Hughes or Alistair Graham tell the Defendant that he would not be prosecuted.
12. At no time did I, SA Hughes or Alistair Graham tell the Defendant that what he said was off the record or confidential. In fact, he was warned several times that anything he said could be used against him.
13. Marko Boskic never asked us what or who we were investigating.
14. At no time did I, SA Hughes or Alistair Graham tell the Defendant anything about ourselves, or our interest in the Defendant, or the nature of our investigations that was not true.
15. It was not until about 8:20 PM, while he was writing a statement, that he asked if he was going to be arrested. I then told him he was under arrest. Prior to that time, the door to the interview room was opened, we took a number of breaks, and he was not restrained.
16. During the interview, at no time did Boskic seem to or indicate that he did not understand what was being said to him in English. Further, at no time did we have difficulty

understanding what he said in English.

17. I have reviewed a number of recorded telephone conversations between the Defendant Boskic and other individuals, that were made during the time the Defendant was in custody at the Essex County Jail in approximately April 2004. These conversations belie his statement claiming: "I have only a limited command of English."

/s/ Thomas Carroll
Special Agent Thomas Carroll
Immigration and Customs Enforcement
Department of Homeland Security

Signed under the pains and penalties of perjury this 21st
day of March, 2005.